LISTING OF THE CLAIMS

The following replaces all prior listings of the claims.

1. **(canceled)**

2. **(currently amended)** A nucleic acid construct comprising: a T-cell factor (TCF) response element comprising:
at least one TCF binding element having the sequence CTTTGNN wherein N is A or T;
an operably linked promoter, and
an expressible gene ~~that is useful for the treatment of a disease that is characterised by the presence of TCF/ß-catenin heterodimers in diseased cells~~ selected from the group consisting of: a gene encoding a toxin, a gene encoding a prodrug-activating enzyme, a gene encoding an immunomodulatory agent, a tumor-suppressor gene, and an apoptotic gene, wherein the expressible gene is operably linked to both the TCF binding element and the promoter, which enables inducible expression of the gene.

3. **(canceled)**

4. **(canceled)**

5. **(currently amended)** The nucleic acid construct of claim [[4]] 2, wherein the expressible gene encodes a toxin or prodrug-activating enzyme.

6. **(original)** The nucleic acid construct of claim 5, wherein the therapeutic gene encodes a nitroreductase capable of activating CB1954.

7. **(currently amended)** The nucleic acid construct of ~~any one of claims 1 to 3~~ claim 2, wherein the promoter is selected from the group consisting of an SV40 promoter, an E1B promoter, and a *c-Fos* promoter.

8. **(original)** The nucleic acid construct of claim 7, wherein the promoter is the E1B promoter.

9. **(currently amended)** A nucleic acid construct comprising: 1) a TCF response element comprising : at least 5 TCF binding elements having the sequence CTTTGNN, wherein N is A or T; and an operably linked promoter; and 2) an expressible gene ~~that is useful in the treatment of a disease that is characterised by the presence of TCF/ß-catenin heterodimers in diseased cells~~ selected from the group consisting of: a gene encoding a toxin, a gene encoding a prodrug-activating enzyme, a gene encoding an immunomodulatory agent, a tumor-suppressor gene, and an apoptotic gene.

10. **(original)** The nucleic acid construct of claim 9 wherein the TCF response element comprises between 5 and 10 TCF binding elements.

11. **(original)** The nucleic acid construct of claim 10 wherein the TCF response element comprises 5 TCF binding elements.

12. **(currently amended)** A nucleic acid construct comprising: 1) a TCF response element comprising : at least two TCF binding elements having the sequence CTTTGNN, wherein N is A or T; and an operably linked promoter; and 2) an expressible gene ~~that is useful in the treatment of a disease that is characterised by the presence of TCF/ß-catenin heterodimers in diseased cells~~ selected from the group consisting of: a gene encoding a

toxin, a gene encoding a prodrug-activating enzyme, a gene encoding an immunomodulatory agent, a tumor-suppressor gene, and an apoptotic gene, wherein the expressible gene is operably linked to the TCF response element which enables inducible expression of the gene, and wherein the TCF binding elements are separated from each other by between 3 and 20 nucleotides.

13. **(original)** The nucleic acid construct of claim 12 wherein the TCF binding elements are separated from each other by between 3 and 12 nucleotides.

14. **(original)** The nucleic acid construct of claim 13 wherein the TCF binding elements are separated from each other by between 10 and 12 nucleotides.

15. **(currently amended)** A nucleic acid construct comprising: 1) a TCF response element comprising : at least one TCF binding element having the sequence CTTTGNN, wherein N is A or T; and an operably linked promoter comprising a TATA box; and 2) an expressible gene ~~that is useful in the treatment of a disease that is characterised by the presence of TCF/ß-catenin heterodimers in diseased cells~~ selected from the group consisting of: a gene encoding a toxin, a gene encoding a prodrug-activating enzyme, a gene encoding an immunomodulatory agent, a tumor-suppressor gene, and an apoptotic gene, wherein the expressible gene is operably linked to the TCF response element which enables inducible expression of the gene, and wherein the TCF binding element closest to the promoter is between 140 and 10 nucleotides from the TATA box of the promoter.

16. **(original)** The nucleic acid construct of claim 15 wherein the promoter contains a TATA box, and the TCF binding element closest to the promoter is between 100 and 10 nucleotides from the TATA box of the promoter.

17. **(original)** The nucleic acid construct of claim 16 wherein the promoter contains a TATA box, and the TCF binding element closest to the promoter is between 50 and 10 nucleotides from the TATA box of the promoter.

18. **(original)** The nucleic acid construct of claim 17 wherein the promoter contains a TATA box, and the TCF binding element closest to the promoter is between 30 and 15 nucleotides from the TATA box of the promoter.

19. **(original)** The nucleic acid construct of claim 12 wherein the TCF binding elements are separated from each other by 3 or 4 nucleotides and wherein the promoter comprises a TATA box, and the TCF binding element closest to the promoter is 25 nucleotides from the TATA box of the promoter.

20. **(currently amended)** The nucleic acid construct of any one of claims [[1 to 3,]] 2, 9, 12, or 15, [[29, 30 or 31,]] wherein the TCF binding element or elements have the nucleotide sequence CTTTGAT.

21. **(currently amended)** A vector comprising the nucleic acid construct of any one of claims [[1 to 3,]] 2, 9, 12, or 15[[, 29, 30 or 31]].

22. **(original)** A host cell transfected with the vector of claim 21.

23. **(canceled)**

24. **(canceled)**

25. **(canceled)**

26. **(currently amended)** A composition comprising the nucleic acid construct of any of claims [[1 to 3,]] 2, 9, 12 or 15 and a pharmaceutically acceptable excipient.

27. **(original)** A composition comprising the vector of claim 21.

28. **(original)** A composition comprising the host cell of claim 22 and a pharmaceutically acceptable excipient.

29. **(canceled)**

30. **(canceled)**

31. **(canceled)**